REMARKS

This Amendment is made in response to the Office Action dated September 20, 2004. In the Office Action, claims 20 and 22-25 were rejected under 35 USC §112, and claims 18-29 were rejected under 35 USC §102. By this Amendment, claims 18, 21, 22, 25, 26 and 29 are amended, claims 20, 24 and 28 are withdrawn, and new claims 30-32 are added. Currently pending claims 18, 19, 21, 23, 25-27 and 29-32 are believed allowable, with claims 18, 22 and 26 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §112:

Claims 20, 24 and 28 were rejected under 35 USC §112, first paragraph. By this amendment, claims 20, 24 and 28 have been withdrawn.

Claim 22-25 were rejected under 35 USC §112, first paragraph. By this amendment, the typographical error in claim 22 is corrected from "method" to "system". This amendment is not made to overcome the cited art or for reasons of patentability.

CLAIM REJECTIONS UNDER 35 USC §102:

Claims 18-29 were rejected under 35 USC §102 as being anticipated by U.S. Patent No. 6,160,556 to Kinoe et al. ("Kinoe"). To anticipate a claim under 35 USC §102, a reference must teach every element of the claim. MPEP 2131.

Claim 18:

Claim 18 is amended herein to recite, in part, "performing an initial query in a database such that a sub-space within the data space is defined that may contain the solution, wherein the initial query includes one or more conditional attributes and one or more display attributes." Support for this amendment can be found at least on page 7, lines 20-22.

The Applicant respectfully submits that the method for finding a query solution recited in claim 18 is manifestly different from the object selection techniques discussed in Kinoe. It is believed that by this amendment, any parallels drawn between Kinoe and claim 18 have been eliminated, as discussed below.

Briefly, Kinoe provides a method of selecting an object constituting a three-dimensional model displayed on a computer display. Kinoe, col. 1, lines 10-11. One stated object of Kinoe is to provide a method and system

- 5 -

that allows a three-dimensional object to be selected from a computer display screen without knowing the precise position and the name of the three-dimensional object. Kinoe, col. 2, lines 13-17. Kinoe teaches a retrieval object, such as a cylinder along the z-axis, which intersects hidden objects in the 3-D drawing. Kinoe, col. 5, lines 1-20 and Fig. 3. The intersected objects are displayed in sub-window to allow a user to quickly and easily select such objects. Kinoe, col. 5, 31-34.

Turning now to the elements of claim 18, the Applicant respectfully submits that Kinoe cannot be interpreted as performing an initial query that includes conditional attributes and display attributes. In one embodiment of Kinoe, an object's attribute is changed to wire frame or translucent form when selected for easier identification. Kinoe, col. 5, lines 34-37. In Kinoe, therefore, the subject attribute belongs to the object attribute, not a query. Thus, it is respectfully submitted that column 5, lines 34-37 of Kinoe cannot be analogized as conditional attributes of an initial query, as recited in claim 18.

Kinoe states, "The display attribute of the object selected for a selection candidate is changed into a highlighted (high brightness) condition when the pointer enters the corresponding divided region in the sub-window." Kinoe, col. 5, lines 47-50 (emphasis added). It is clear from this passage that the "display attribute" referred to in Kinoe belongs to a selected object rather than a query. Thus, the Applicant respectfully submits that Kinoe does not teach display attributes of an initial query, as recited in claim 18.

Finally, claim 18 recites that the initial query is performed "in a database." It is respectfully submitted that there is not teaching in Kinoe of an initial query performed in a database.

For at least these reasons, claim 18 is not believe to be anticipated by Kinoe. As such, the Applicant earnestly requests allowance of claim 18.

Claims 19, 21 and 30:

Claims 19, 21 and 30 are dependent on and further limit claim 18. Since claim 18 is believed to be allowable, claims 19, 21 and 30 are also believed allowable for at least the same reasons as claim 18.

Claim 22:

Claim 22 is amended herein to recite, in part, "an initial query in a

- 6 -

database such that a sub-space within the data space is defined that may
contain the solution, wherein the initial query includes one or more
conditional attributes and one or more display attributes." Support for this
amendment can be found at least on page 7, lines 20-22.

As discussed above, the Applicant believes that the present invention
is wholly different from the teachings of Kinoe. By this amendment, any
parallels between claim 22 and Kinoe have been removed.

Specifically, claim 22 recites conditional attributes and display
attributes belonging to an initial query. As detailed above, there is no
teaching in Kinoe of conditional attributes and display attributes belonging
to an initial query. In addition, it is respectfully submitted that there is
not teaching in Kinoe of an initial query performed in a database, as recited
in claim 22.

For at least these reasons, claim 22 is not believe to be anticipated
by Kinoe. As such, the Applicant earnestly requests allowance of claim 22.

Claims 23, 25 and 31:

Claims 23, 25 and 31 are dependent on and further limit claim 22.
Since claim 22 is believed to be allowable, claims 23, 25 and 31 are also
believed allowable for at least the same reasons as claim 22.

Claim 26:

Claim 26 is amended herein to recite, in part, "perform an initial
query in a database such that a sub-space within the data space is defined
that may contain the solution, wherein the initial query includes one or more
conditional attributes and one or more display attributes." Support for this
amendment can be found at least on page 7, lines 20-22.

As discussed above, the Applicant believes that the present invention
is wholly different from the teachings of Kinoe. By this amendment, any
parallels between claim 26 and Kinoe have been removed.

Specifically, claim 26 recites conditional attributes and display
attributes belonging to an initial query. As detailed above, there is no
teaching in Kinoe of conditional attributes and display attributes belonging
to an initial query. In addition, it is respectfully submitted that there is
not teaching in Kinoe of an initial query performed in a database, as recited
in claim 26.

- 7 -

Patent Application No. 09/728,095

For at least these reasons, claim 26 is not believe to be anticipated by Kinoe. As such, the Applicant earnestly requests allowance of claim 26.

Claims 27, 29 and 32:

Claims 27, 29 and 32 are dependent on and further limit claim 26. Since claim 26 is believed to be allowable, claims 27, 29 and 32 are also believed allowable for at least the same reasons as claim 26.

NEW CLAIMS:

By this amendment dependent claims 30-32 are added to the present application. No new matter is believed to be introduced by these claims, as support for the claims can be found at least on page 6, lines 23-25. Moreover, it is respectfully submitted that Kinoe does not teach an initial query that is a Structured Query Language (SQL) query, as recited in claims 30-32. Thus, claims 30-32 are believed allowable for at least this reason.
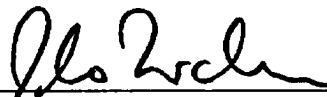
CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: December 20, 2004

Ido Tuchman, Reg. No. 45,924
Law Office of Ido Tuchman
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588

- 8 -